

III. REMARKS

Claims 1, 3-6 and 8-17 were presented for prosecution. Claims 1, 3-6 and 8-10 were allowed, and claim 14 was indicated as being allowable if rewritten to overcome the 35 USC 112, second paragraph rejection. Applicant gratefully appreciates the indication of allowable claims and subject matter. Claims 11, 14, and 16-17 were amended herein, and claim 15 was canceled. No new matter is believed added.

Claim 14 was rejected under 35 USC 112, second paragraph for including the word “and” twice. Applicant has amended claim 14 herein to address the error, and thus submits that claim 14 is in condition for allowance.

Claims 16-17 were rejected under 35 USC 112, second paragraph because “an associated side wall panel” is alleged to be a double inclusion. Applicant contends that the terminology as presented is not indefinite under 35 USC 112, second paragraph, as an associated side wall panel simply refers to, and further defines, one of “the side wall panels.” However, Applicant has nonetheless amended claims 16-17 to address the issue.

Claims 11-13 were rejected under 35 USC 102(b) as being anticipated by Chidsey (US 3,182,888). Applicant submits that claims 11-13 are allowable over Chidsey because Chidsey fails to teach all of the claimed features. For instance, claim 11 recites, *inter alia*, “wherein the inwardly projecting grooves are recessed into the edge of the first member with *v-shaped openings*.” Chidsey shows a configuration in which the inwardly projected grooves are merely cuts into the carton, and do not include v-shaped openings. The v-shaped openings are for example shown on flap 12a of Applicant’s Figure 1. Accordingly, because the prior art does not teach this feature, Applicant submits that claims 11-13 are likewise in condition for allowance.

Claim 16 was rejected under 35 USC 102(b) as being anticipated by Ostwald (US 3,319,869). Applicant submits that claim 16 is allowable because Ostwald fails to teach all of the claimed features. For instance, claim 16 recites, *inter alia*, “interlocking tabs *cut into an outer edge of both* a first and second opposing flaps of the plurality of flaps” and “diagonal folds that project from the interlocking tab *to a central portion* of opposed side edges of the flap.” Instead, Ostwald only teaches an interlocking tab cut into a single edge of the opposed flaps 16, 18. Moreover, the diagonal fold of Ostwald extends from an outer edge of the flap to a corner of the flap (i.e., where the flap 16 meets the side wall). Conversely, the diagonal fold of the present invention projects from the locking tab to a central portion of opposed side edges of the flap. Accordingly, because the prior art does not teach these features, Applicant submits that claim 16 is likewise in condition for allowance.

Claim 17 was rejected under 35 USC 102(e) as being anticipated by Perkins (US 6,834,792). Applicant submits that claim 17 is allowable because Perkins fails to teach all of the claimed features. For instance, claim 17 recites, *inter alia*, “wherein each L-shaped flap includes a pair of fold lines that run from the side wall panels to an outer edge of the L-shaped flap.” Perkins fails to teach or suggest such a feature. Accordingly, Applicant submits that claim 17 is likewise in condition for allowance.

Applicant respectfully submits that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hoffman", is written over a horizontal line. There are small diagonal marks at the beginning and end of the signature.

Dated: 1/09/07

Michael F. Hoffman
Reg. No. 40,019

Hoffman, Warnick & D'Alessandro LLC
75 State Street
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile